1761551N25A - SH-AD-32A (OAS 6/97)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition Of Service"

DATE: September 26, 2011
FILE: SH2275272

OFFICE CORRESPONDENCE

FROM: JOSEPH S. HARTSHORNE, COMMANDER
OFFICE OF THE UNDERSHERIFF

TO: JOSEPH M. GOODEN, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:
DEPUTY CHAD SESSMAN #[redacted]
SERGEANT LUIS TREJO #[redacted]
OPERATION SAFE STREETS BUREAU

Deputy Chad Sessman and Sergeant Luis Trejo were patrolling in the East Los Angeles area when they noticed two Hispanic males who appeared to be gang members. It appeared to them that the two males were trying to break into a vehicle. Deputy Sessman and Sergeant Trejo stopped and exited their vehicle in an attempt to contact and detain both males. As they exited their vehicle, Deputy Sessman immediately detained one of the males (Daniel Rivera) while the other male, David Perez, began running away from them. Deputy Sessman placed Rivera in the back seat of their vehicle, while Sergeant Trejo began chasing Perez.

Deputy Sessman re-entered his vehicle and began paralleling Sergeant Trejo who was running south on Fraser Avenue, approximately 2-3 houses away from the suspect. Deputy Sessman passed Sergeant Trejo and moved parallel to the suspect who ran east into a long driveway located at [redacted] Fraser Avenue. Deputy Sessman stopped and exited his vehicle. He quickly moved to the driveway opening and waited for the arrival of Sergeant Trejo. As Sergeant Trejo arrived, they slowly entered the driveway in an attempt to locate the suspect. Deputy Sessman subsequently moved into a position of cover behind a vehicle parked in the driveway. He located the suspect attempting to push open a locked wooden gate. Deputy Sessman ordered the suspect to show him his hands. The suspect responded by retrieving a handgun from his pants pocket and pointed it at Deputy Sessman. Deputy Sessman, fearing for his life, fired one round from his duty weapon, striking (graze wound) Perez on his left lower torso. As Perez fell to the ground, he tossed the handgun over the wooden gate. Deputy Sessman and Sergeant Trejo approached Perez and handcuffed him without further incident. A Colt .380 caliber pistol was recovered on the other side of the wooden gate. The weapon contained seven live rounds.

On August 11, 2011, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MPP § 3-01/025.00, Use of Force, MPP § 3-01/025.30, Use of Firearms and Deadly Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Chad Sessman and Sergeant Luis Trejo was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by all personnel in this incident were within Department Policy.

JSH:RSP/rsp



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JACQUELYN LACEY • Chief Deputy District Attorney
PATRICK R. DIXON • Assistant District Attorney

JANICE L. MAURIZI • Director

May 24, 2011

Captain David Smith
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File # 10-0783
L.A.S.D. File # 010-12282-0284-055

Dear Captain Smith:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the October 9, 2010, non-fatal shooting of David Alexander Perez by Los Angeles County Sheriff Deputy Chad Sessman. It is our conclusion that Deputy Sessman acted in lawful self-defense and defense of others.

The following analysis is based on reports prepared by the Los Angeles County Sheriff's Department (LASD), submitted to this office by Sylvia Brossoit and Phillip Martinez, LASD, Homicide Bureau. The District Attorney's Command Center was notified of the shooting on October 9, 2010, at approximately 9:00 p.m. The District Attorney Response Team, comprised of Deputy District Attorney Deborah Escobar and District Attorney Supervising Investigator Leigh Ann Fernstrom, responded and was given a briefing and a walk-through of the scene. Deputy Sessman provided a voluntary statement which was considered as part of this analysis.

FACTUAL ANALYSIS

On October 9, 2010 at approximately 6:47 p.m., Sergeant Luis Trejo and Deputy Chad Sessman were assigned to the Gang Enforcement Team (G.E.T.) working a two man police unit in East Los Angeles.[1] They were both in full uniform and Sessman was driving a marked black and white patrol vehicle. While driving west on Union Pacific Avenue approaching Fraser Avenue they observed two males looking into the windows of a parked vehicle. They appeared to be gang members and preparing to break into the car. Sessman stopped the patrol vehicle and called the males over to him in order to conduct a vehicle burglary investigation.

[1] Deputies assigned to G.E.T. are relieved from responding to routine calls for service and instead focus on areas frequented by gang members and where violent gang activity has been reported.

Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012-3210
(213) 974-3888
WEBSITE: http://da.co.la.ca.us

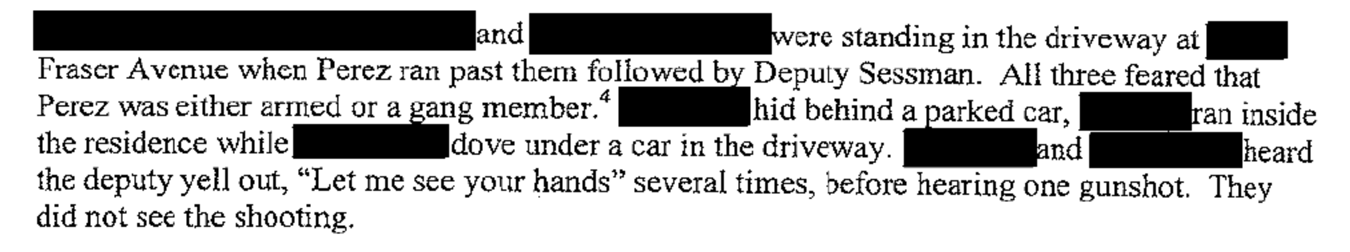
The first male, [redacted] complied with Sessman's request and walked toward the patrol car. At the same time, the second male, David Perez, walked away from the deputies toward Fraser Avenue. Trejo followed Perez who then ran southbound on Fraser Avenue. Trejo advised Sessman that Perez was attempting to flee and ran after him.

Sessman placed [redacted] in the back seat and followed Trejo and Perez in the police vehicle. Sessman observed Perez run down a residential driveway at [redacted] Fraser Avenue. Sessman accelerated past Trejo to the residence where he exited his vehicle. He waited for Trejo to arrive at the location then pursued Perez down the driveway.

Perez had run to the rear of the driveway and was shaking a locked wooden gate which led to the rear yard. Sessman removed his service weapon from the holster and twice ordered Perez to show his hands. Perez turned toward Sessman while reaching into his right front pant pocket and removed a handgun. Trejo heard Sessman yell out "417."[2] Perez began to raise the gun in Sessman's direction. In fear for his and his partner's safety, Sessman fired one round from his service weapon striking Perez. As Perez fell to the ground, he threw the gun.

Perez was transported by ambulance to East Los Angeles Doctors Hospital. He was treated for a superficial graze wound to his left, lower side trunk and cleared for inmate booking procedures.

Perez waived his Miranda rights and agreed to speak with investigators. Perez said that he ran from the deputies because he had a loaded .380 firearm in his right front pant pocket. He did not know that the deputies were chasing him when he ran down the driveway. When he reached the gate he raised his hands and heard a deputy tell him to stop. At one point he partially turned toward the deputy and was going to get on the ground. He took the gun from his pocket and threw it over the fence and was shot. He denied ever pointing the gun at the deputy.[3]


[redacted] and [redacted] were standing in the driveway at [redacted] Fraser Avenue when Perez ran past them followed by Deputy Sessman. All three feared that Perez was either armed or a gang member.[4] [redacted] hid behind a parked car, [redacted] ran inside the residence while [redacted] dove under a car in the driveway. [redacted] and [redacted] heard the deputy yell out, "Let me see your hands" several times, before hearing one gunshot. They did not see the shooting.

A .380 semiautomatic handgun was recovered in the backyard of [redacted] Fraser Avenue on the other side of the locked gate from where the shooting occurred. The magazine contained seven live rounds.

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[2] Brandishing a firearm is a violation of Penal Code section 417. "417" is also a term that law enforcement officers yell out to their partners when a suspect has a gun.

[3] [redacted] was interviewed by investigators and indicated that he could not see the shooting from where he was seated in the back of the patrol vehicle.

[4] Perez is a self admitted gang member from the criminal street gang Winter Gardens and goes by the moniker of "Cyco."

A fired .45 auto caliber cartridge casing and bullet were recovered in the driveway of [redacted] Fraser Avenue. There was one bullet strike to the wooden gate.

Deputy Sessman's service weapon was examined and contained one .45 auto caliber cartridge in the chamber and eleven rounds in the magazine. The magazine has a capacity of twelve rounds.

On April 19, 2011, Perez pled guilty in case BA376893 to one count of assault with a deadly weapon on a peace officer in violation of Penal Code section 245(c) with a gun use allegation. He was sentenced to six years in state prison.

CONCLUSION

The use of deadly force in self-defense or in defense of another is justifiable if the person claiming the right actually and reasonably believed (1) that he or the person he was defending was in imminent danger of being killed or suffering great bodily injury, (2) that the immediate use of force was necessary to defend against that danger, and (3) that he used no more force than was reasonably necessary to defend against that danger.
[See *California Criminal Jury Instructions—CALCRIM 505*]

The evidence examined in this investigation shows that the actions of David Perez placed Deputy Sessman in actual, imminent danger of death or great bodily injury. The response of the deputy with deadly force was both reasaonable and necessary. We find that Deputy Chad Sessman acted in lawful self-defense and defense of others. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By Deborah Escobar

DEBORAH ESCOBAR
Deputy District Attorney
(213) 974-3888

c: Deputy Chad Sessman #[redacted]

TABLE OF CONTENTS
SH2251372

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 03-21-11	Bureau/Station/Facility: East Los Angeles Station	Admin. Invest.? ☐ Hit? ☒

Incident Information

URN: 010-12282-0284-055	Date: 10-09-10	Time: 1847

City or Station: East Los Angeles Station

Location: [redacted] Fraser Avenue

Nature of Incident: OSS/Get Deputy Sessman and Sgt. Trejo became involved in a foot pursuit of a suspected gang member. As the suspect attempted to open a closed gate he turned and pointed a handgun at Dep. Sessman. Dep Sessman responded by firing one round at the suspect striking him on the left side of his upper torso

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, **Residence**, Rural, School, Street, Other: Driveway

Lighting (*circle only one*): **Darkness**, Daylight, Other, Street Lights

Weather (*circle only one*): **Clear**, Cloudy, Fog, Rain

Distance: 20 feet

Incident Type (*circle one or more*): Accidental, **Armed Person**, Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Other: ______

Initiated by (*circle only one*): Arrest Warrant, Call, **Observation**, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, **Routine Patrol**

Total # of Shots Fired by Deputy: 1

Total # of Shots Fired by Suspect: 0

Aero Unit? ☒ Canine Unit? ☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	Trejo	Luis		EM **PM** Day	**Regular** Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph

Supervisors

Employee #	Last Name	First Name	M.I.	(*circle one or more*)
[redacted]	Trejo	Luis		**On Duty**, Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Rothe	Frank	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Lopez	Dan	

PSTD Use Only

SH # 2275272

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See Reverse

Officer Involved Shooting

URN: 010-12282-0284-055

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
10/09/10	2245	03-22-11	

Employee #	Last Name	First Name	M.I
[redacted]	Hill	Scott	
[redacted]	Maldonado	Albert	
[redacted]	Vaughan	Stephen	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious

(RM) Refused Med Treatment

(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	FH					NN	NN
E#1	S#1	FH	BR	9	Y	Y	GS	AD

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See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 010-12282-0284-055

Involved Employee

E 1

Employee #: [redacted]	Last Name: Sessman	First Name: Chad	M.I.
Sex: M Race: H	Rank: Deputy	Unit Assignment: OSS/GET	Work Assignment (Unit #, Module, etc.): GS5
ShiftTime (*circle only one*): EM (PM) Day — PM circled	ShiftType (*circle only one*): (Regular) Overtime Off Duty — Regular circled	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting: 8	Duty Time (hrs): 1500	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest) — Uniform w/ Vest circled	Other Factors:
Age: [redacted] Height: 5' 10" Weight: 220			
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? ☒ Number of Prior Shootings: 1
Field Training Officer Emp #: [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E__

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E__

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting
Suspect Information

URN: 010-12282-0284-055

Suspect Information

S 1

Last Name: Perez		First Name: David	M.I. A.
AKA Last Name: "Psycho"		First Name: Moniker	M.I.
Sex: M Race: H	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #:	Driver's License #:
Age: 20 D.O.B. 06-06-90	Height: 509 Weight: 140	FBI # [redacted]	CII # [redacted]
Booking #	Primary Charge: 245(d)(1) PC	Secondary Charge: 12025(2) PC	
Coroner Case? ☐	Coroner Case # N/A	Intoxication/Drug Usage? ☐	Substance Used: N/A
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: N/A		Model: N/A	Year: N/A

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

See Other Side

IAB INVESTIGATIVE SUMMARY

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
INTERNAL AFFAIRS BUREAU

Deputy Involved (Hit) Shooting Summary

UNIT: Operation Safe Streets - Gang Enforcement Team
DATE: October 9, 2010 (Saturday)
TIME: 1847 Hours
LOCATION: [redacted] Fraser Avenue, Los Angeles
URN#: 010-12282-0284-055
IAB#: SH2275272

NATURE OF INCIDENT: On October 9, 2010, Deputy Chad Sessman and Sergeant Luis Trejo were patrolling in the East Los Angeles area when they noticed two Hispanic males who appeared to be gang members. It appeared to them as if the two males were trying to break into a vehicle. Deputy Sessman and Sergeant Trejo stopped and exited their vehicle in an attempt to contact and detain both males. As they exited their vehicle, Deputy Sessman immediately detained one of the males ([redacted] while the other male (David Perez) began running away from them. Deputy Sessman placed [redacted] in the back seat of their vehicle, while Sergeant Trejo began chasing Perez on foot.

Deputy Sessman re-entered his vehicle and began paralleling Sergeant Trejo who was running south on Fraser Avenue, approximately 2-3 houses away from the suspect. Deputy Sessman passed Sergeant Trejo and moved parallel to the suspect who ran east into a long driveway located at [redacted] Fraser Avenue. Deputy Sessman stopped and exited his vehicle. He quickly moved to the driveway opening and awaited the arrival of Sergeant Trejo. As Sergeant Trejo arrived, they slowly entered the driveway in an attempt to locate the suspect. Deputy Sessman subsequently moved into a position of cover behind a vehicle parked in the driveway. He located the suspect attempting to push open a locked wooden gate. Deputy Sessman ordered the suspect to show him his hands. The suspect responded by retrieving a handgun from his pants pocket and pointing it at Deputy Sessman. Deputy Sessman, fearing for his life, fired one round from his duty weapon, striking (graze wound) Perez on his left side lower trunk. As Perez fell to the ground, he tossed the handgun over the wooden gate. Deputy Sessman and Sergeant Trejo tactically approached Perez and handcuffed him without further incident. A Colt .380 Caliber handgun was recovered on the other side of the wooden gate. The gun contained seven live rounds of .380 ammunition.

The suspect was transported to Doctors Hospital in East Los Angeles were he was treated for his injuries.

INVOLVED PERSONNEL:

Sessman, Chad - Deputy, #[redacted]
Operation Safe Streets (Gang Enforcement Team)
Unit # G43
Field Operations Region II

EMPLOYEE'S WORK HISTORY:

Date of Employment: 01-07-98
Date Assigned to OSS: 10-01-09 to Present
Prior Shooting Incident(s): 1
Prior Founded Force Incidents: None

INVOLVED SUSPECT:

Perez, David Alexander
MH/[redacted]
Main #[redacted]
CII #[redacted]
FBI #[redacted]

Involved Suspect Criminal History:

[redacted] He is a documented "Winter Gardens" gang member. **(See printout in the Homicide Case Book)**

INVOLVED DEPUTY WITNESSES:

Trejo, Luis #[redacted]
Operation Safe Streets (Gang Enforcement Team)
Unit # G43
Field Operations Region II

NON-DEPARTMENT WITNESSES:

W#1 [redacted] MH/A

INVOLVED EMPLOYEE STATEMENTS:

Deputy Chad Sessman, was interviewed on March 2, 2011 by Sergeants Albert Maldonado and Scott Hill. The interview was conducted at the Internal Affairs Bureau office in the City of Commerce. The following is a summary of the interview, which was digitally recorded and transcribed.

I.A.B. Note: Deputy Sessman was also interviewed by Homicide Bureau investigators on October 9, 2010 by Phillip Martinez and Sylvia Brossoit. The transcripts of that interview have been included with this case (Exhibit B).

Deputy Sessman said he decided to follow Sergeant Trejo in their patrol vehicle as Sergeant Trejo chased the suspect on foot because he felt it would be safer. He also felt he could pass the suspect in an attempt to contain him. Initially, the suspect was approximately 60 feet in front of him as he began to follow him in their vehicle with Sergeant Trejo approximately 20 feet behind the suspect. He never lost sight of Sergeant Trejo who he eventually passed before approaching the suspect who was still running on the east sidewalk. As he moved closer to the suspect, the suspect suddenly turned east into a long driveway.

Deputy Sessman immediately stopped and exited his vehicle directly in front of the driveway. He made his way to the driveway entrance and was about to enter it before Sergeant Trejo yelled for him to wait. At this point he lost site of the suspect who made his way to the rear of the driveway behind some parked vehicles. As Sergeant Trejo caught up to him, they proceeded tactically down the driveway. They encountered three males, one of which was working on a vehicle, and two additional males who were standing on the rear porch of the front residence. Sergeant Trejo contacted the males and ordered them to the front of the driveway.

I.A.B Note: Deputy Sessman said he did not put out a radio broadcast at this point because he could clearly see the suspects hands as he ran and he did not appear to have a gun. He felt that he could, by utilizing his vehicle, quickly contain the suspect. If the suspect did not immediately stop he would have immediately put out a broadcast. When he reached the driveway and lost sight of the suspect, he encountered the other males in the driveway. He did not put out a broadcast at this point because the incident was fluid and he did not yet have the opportunity. He considered the suspect could potentially harm the residents or any other persons at the location.

I.A.B. Note (Cont.): His intent on tactically moving down the driveway, which took approximately 5 to 7 seconds, was to see if he could locate the suspect. If the suspect was not at the rear of the driveway, he would have put out a broadcast and set up a containment. He would not have gone into the rear yard of the location if the suspect had fled into that area. He estimated the entire incident, from the time Sergeant Trejo went into foot pursuit until he fired his handgun, occurred over an approximately 30 to 60 second time period.

Deputy Sessman also noted the sun was setting at the time of the incident. Although there was a light over the garage door, it was not yet dark. He was also aware his backdrop during the shooting was a large garage door.

Sergeant Luis Trejo, was interviewed on March 2, 2011 by Sergeants Albert Maldonado and Scott Hill. The interview was conducted at the Internal Affairs Bureau office in the City of Commerce. The following is a summary of the interview, which was digitally recorded and transcribed.

I.A.B. Note: Sergeant Trejo was also interviewed by Homicide Bureau investigators on October 9, 2010 by Phillip Martinez and Sylvia Brossoit. The transcripts of that interview have been included with this case (Exhibit B).

Sergeant Trejo said he did not consider requesting back-up when they initially decided to contact the suspect and Daniel Rivera. He said there were only two suspects and he felt he and Deputy Sessman could safely contact and detain both males. When the suspect (Perez) began to run from him, he immediately alerted Sessman who was detaining the other male that Perez was running; he then chased Perez on foot. Sergeant Trejo did not immediately put out a radio broadcast because he knew Deputy Sessman would be following him in their radio car. He knew Deputy Sessman would move in front of the suspect's path and contain him. He estimated he was approximately 25 feet behind the suspect as he chased him. He believes he chased him for approximately 5 to 8 seconds before the suspect turned east into a driveway.

I.A.B. Note: Sergeant Trejo said he did start to run after the suspect until he knew Deputy Sessman safely searched the other male. During this time he alerted Deputy Sessman the other suspect (Perez) was going to run. He told Deputy Sessman to place [redacted] in the back seat of their car. He did not begin to chase Perez until he heard the car door close and he knew [redacted] was secured in the backseat of their radio car.

He added he did not immediately put out a radio broadcast because the event developed rapidly and he did not have an opportunity. Additionally, he said he could see the suspect's hands and it did not appear to him he had a gun. He felt Deputy Sessman could easily contain him by passing him up and containing him with their vehicle.

Once the suspect ran east, Deputy Sessman stopped, exited his vehicle and moved to a position at the driveway entrance. Sergeant Trejo told Deputy Sessman to wait for him so that they could safely enter the driveway together. As he arrived at Deputy Sessman's position they tactically moved down the driveway in an attempt to locate the suspect.

I.A.B. Note: Sergeant Trejo said he could not see the suspect prior to tactically moving down the driveway. He did not put out a broadcast at this point because his initial intent was to see if he could locate the suspect. If he did not locate the suspect at the end of the driveway he would have immediately put out a broadcast and set up a containment.

As they moved down the driveway they encountered a male who was working on one of the vehicles in the driveway. He ordered the male to walk toward him. The male complied, then went to the ground in an apparent effort to shield himself from harm. As this occurred, Sergeant Trejo heard Deputy Sessman give the suspect verbal commands followed by a gunshot. He (Trejo) was focused on the other male and he did not see the suspect until after Deputy Sessman fired his handgun.

I.A.B. Note: Sergeant Trejo estimates the entire incident from the time he went into foot pursuit until the time Deputy Sessman fired his handgun, occurred over a 30 to 40 second time period.

SUSPECT'S STATEMENTS:

Refer to the transcripts of the Homicide Bureau interviews conducted by Investigators Phillip Martinez and Sylvia Brossoit on 10-10-10 **(Exhibit B).**

NON-DEPARTMENT WITNESS STATEMENTS:

Refer to the Homicide Bureau summary of Witness [redacted] interview. **(Exhibit B).**

SUSPECT'S INJURIES:

Grazing gun shot wound to the lower left side trunk.

DEPUTY PERSONNEL INJURIES:

None

PHYSICAL EVIDENCE:

See homicide case book **(Exhibit A).**

INVESTIGATOR'S OBSERVATIONS:

No observations.

WEAPONS USED BY DEPUTY PERSONNEL:

H7K USP 45 Semi-automatic pistol

WEAPON USED BY SUSPECT:

Colt .380 Pocket lite, Semi-automatic pistol with an obliterated serial number on the left side of the frame. Loaded with (7) live rounds of ammunition.

PROPERTY DAMAGE:

None

CRIMINAL INVESTIGATOR and CHARGES FILED:

Investigator: Detective Phillip Martinez #[redacted]
Detective Sylvia Brossoit #[redacted]

Charges Filed: (1) Assault with a Deadly Weapon on a Peace Officer, 245(d)1 P.C. with special allegations Carrying a Concealed Firearm 12025(2) P.C. and Resisting a Peace Officer in Discharge of His Duties, 148(a)(1) P.C.

The suspect was held to answer and the criminal proceedings are continuing.

WEATHER CONDITIONS AND LIGHTING CONDITIONS:

The incident occurred during the hours of daylight.